

Serial No. 10/807,006
Applicant: Robert C. Berfield
Amendment Dated April 18, 2005
Reply to Office Action of February 24, 2005
Attorney's Case No. 1-771
Confirmation No. 2819

Remarks

Amendment to the Specification

The specification has been amended to provide antecedent basis for claiming in claim 1 that the ribs are seated in valleys in the hose. See Figures 5, 6 and 8. Entry of the amendment is solicited.

Amendments to the Claims

The claims have been amended to provide independent claim 1, dependent claims 2-13 and new claims 16-23. All claims are directed to the combination of a hose and a holder. Entry is solicited.

Claims 10-15 are canceled.

Deletions to claim 1 are made to remove unnecessary limitations and are not made in response to a statutory rejection.

SECTION 112 REJECTION

Claim 9 has been amended to read "The combination of claim 1 wherein..." The amendment obviates the Section 112 rejection.

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SECTION 102 REJECTION

Claims 1 and 5-6 are rejected as anticipated by Aoki et al. '064.

Applicant requests reconsideration and withdrawal of the rejection. Independent claim 1 is directed to the combination of a corrugated hose and a holder where the holder comprises two spaced apart support members each including a rib which faces the rib on the other member. The corrugated hose includes an elastically bowed portion with side sections located to either side of the bowed portion. The sections are positioned between the ribs. The bowed portion biases the side sections against the ribs so that each rib is seated in a valley on a side section to support the hose.

In contrast to applicant's claim 1 combination, Figure 1 of Aoki discloses a pivotal harness guide 3 for receiving and holding a straight length of a corrugated tube 4. The guide includes spaced tube locking portions 19 and 20. Each portion has inwardly facing locking projections 24. Aoki states with reference to Figure 1:

"The corrugated tube 4 is easily inserted relative to base plate 17 [of pivotal harness guide 3] from above. At the same time, the locking projections 24 engage the grooves of the corrugated tube 4... At the insertion of the corrugated tube 4, the additional side plates 22, 23

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deflect outwardly to allow the movement of the
corrugated tube into the side plates 18" (Column 9,
Lines 23-30)

The inserted position of the tube in the harness guide is
shown in Figures 1, 3A and 3B.

A straight length of the tube is fitted in the guide with
the locking portions 19, 20 seated in valleys on the opposite
side of the length of the tube.

Aoki simply disclosed a holder for a straight length of
tube. The holder flexes to receive the tube. The Aoki harness
guide does not receive and hold a hose with a bowed portion and
with side sections extending from the bowed portion where the two
side sections are resiliently held against ribs by the
elastically bowed portion.

The Section 102 rejection states the hose 4 has a bowed
portion and side sections. Applicant disagrees. Only a straight
portion of the tube is fitted in harness guide 3.

Aoki does not teach applicant's combination of a corrugated
hose and holder and accordingly does not support a Section 102
rejection.

Reconsideration and withdrawal of the Section 102 rejection
is solicited.

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SECTION 103 REJECTIONS

Prior Claim 8 is rejected as unpatentable over Aoki et al. in view of Iversen '276. Claim 9 is rejected as unpatentable over Aoki et al. in view of Ismert '915.

Claims 8 and 9, which depend upon claim 1, are properly allowable with claim 1. Withdrawal of the Section 103 rejections is solicited.

ALLOWABLE SUBJECT MATTER

The Office Action indicated claims 2-4 and 7 would be allowed if presented in independent form. These claims have been rewritten in independent form, with minor amendment, as new claims 16, 17, 18 and 21. Allowances requested.

New claims 19, 20, 22 and 23 depend on allowable claim 16, correspond to original claims 5, 6, 8 and 9 and are allowable with claim 16.

Allowance of claims 16-23 solicited.

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CONCLUSION

This amendment addresses all issues raised in the Office Action dated February 24, 2005 and is believed to place the application in condition for allowance. Such favorable action is solicited.

Respectfully submitted,

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